IN THE CLAIMS

Please amend the claims as indicated below.

Please add new claims 15 – 40.

---

15. A method for a communication system, comprising:
transmitting data over a primary and secondary code channels over a forward link;
assigning at least one primary code channel for a duration of a communication to transmit unscheduled transmissions of data and control messages without a delay;
assigning at least one secondary code channel for transmission of data at high rates;
assigning said secondary code channels at each scheduling period and reassigned during the scheduling period according to an available capacity of said forward link.

16. The method as recited in claim 15, further comprising:
grouping said least one secondary code channel into sets of secondary code channels, with each set defined by a unique grouping of secondary code channels.

17. The method as recited in claim 15, further comprising:
scheduling high speed data transmissions by allocating communication resources via selecting a set of secondary code channels.

18. The method as recited in claim 16, further comprising:
wherein at least one of said unique grouping of secondary code channels corresponds to an assigned transmission rate.

19. The method as recited in claim 15, further comprising:
partitioning transmitted data into data frames and each data frame partitioned into data portions for transmission on the primary and secondary code channels.

2   BEST AVAILABLE COPY

20. The method as recited in claim 19, further comprising:

encoding and spreading said data portion into data frames of said primary and secondary code channels for transmission.

21. The method as recited in claim 15, further comprising:

determining a demand for a transmit power level of the forward link,

adding or dropping one or more secondary code channels to satisfy the demand for the transmit power level at each scheduling period.

22. The method as recited in claim 15, further comprising:

receiving said primary and secondary code channels.

23. The method as recited in claim 15, further comprising:

scheduling said primary and secondary code channels transmissions based on an amount of data to be transmitted.

24. The method as recited in claim 15, further comprising:

scheduling transmission of small amounts of data on the primary code channel.

25. The method as recited in claim 15, further comprising:

scheduling transmission of larger amounts of data on the secondary code channel.

26. The method as recited in claim 15, further comprising:

scheduling high data rate transmission on the secondary code channel.

27. The method as recited in claim 15, further comprising:

scheduling said primary and secondary code channels transmissions based on at least one a transmit energy-per-bit required by a user for a requisite level of performance, an amount of data to be transmitted, a type of data to be transmitted, a type of data service being provided to the user, an amount of delay already experienced by the user, and priority of the users.

3

28. An apparatus for a communication system, comprising:

a transmitter for transmitting data over a primary and secondary code channels over a forward link;

a controller for assigning at least one primary code channel for a duration of a communication to transmit unscheduled transmissions of data and control messages without a delay, for assigning at least one secondary code channel for transmission of data at high rates, and for assigning said secondary code channels at each scheduling period and reassigned during the scheduling period according to an available capacity of said forward link.

29. The apparatus as recited in claim 28, wherein said controller is for grouping said least one secondary code channel into sets of secondary code channels, with each set defined by a unique grouping of secondary code channels.

30. The apparatus as recited in claim 28, wherein said controller is for scheduling high speed data transmissions by allocating communication resources via selecting a set of secondary code channels.

31. The apparatus as recited in claim 29 wherein at least one of said unique grouping of secondary code channels corresponds to an assigned transmission rate.

32. The apparatus as recited in claim 28, wherein said controller is for partitioning transmitted data into data frames and each data frame partitioned into data portions for transmission on the primary and secondary code channels.

33. The apparatus as recited in claim 32, wherein said transmitter is for encoding and spreading said data portion into data frames of said primary and secondary code channels for transmission.

34. The apparatus as recited in claim 28, wherein said controller is for determining a demand for a transmit power level of the forward link, and adding or dropping one or more secondary code channels to satisfy the demand for the transmit power level at each scheduling period.

4

35. The apparatus as recited in claim 28, further comprising:
a receiver for receiving said primary and secondary code channels.

36. The apparatus as recited in claim 28, wherein said controller is for scheduling said primary and secondary code channels transmissions based on an amount of data to be transmitted.

37. The apparatus as recited in claim 28, wherein said controller is for scheduling transmission of small amounts of data on the primary code channel.

38. The apparatus as recited in claim 28, wherein said controller is for scheduling transmission of larger amounts of data on the secondary code channel.

39. The apparatus as recited in claim 28, wherein said controller is for scheduling high data rate transmission on the secondary code channel.

40. The apparatus as recited in claim 28, wherein said controller is for scheduling said primary and secondary code channels transmissions based on at least one a transmit energy-per-bit required by a user for a requisite level of performance, an amount of data to be transmitted, a type of data to be transmitted, a type of data service being provided to the user, an amount of delay already experienced by the user, and priority of the users.

5